

REMARKS

In the Office Action, the Examiner objected to claims 2-8, 10-17, 19, 20, 23-29, 31-37, and 39-46 as dependent upon a rejected base claim; objected to the specification for failing to provide proper antecedent basis to claim 1; and rejected claims 1, 9, 18, 21, 22, 30, 38, and 47-51 under 35 U.S.C. § 112, second paragraph.

By this amendment, Applicants cancel claims 47-51 without prejudice or disclaimer, amend claim 21, and add new claims 52-54.

I. The Telephonic Interview of November 8, 2007

Applicants would like to thank the Examiner for the telephone interview of November 8, 2007 with Applicants' representative. Applicants' representative discussed a number of issues regarding the Office Action. A summary of the interview is outlined below.

A. The Objection to the Specification

In the Office Action, the Examiner indicated that the specification did not support the claimed "first simulated batch" as recited by independent claim 1 (Office Action at p. 3). In the interview, the Examiner agreed that this recitation of claim 1 is supported at least on page 5, lines 5-10 of Applicants' specification (See also Interview Summary mailed November 26, 2007, page 2). Accordingly, Applicants respectfully request the Examiner to withdraw the objection.

B. The Rejection of Claims 1, 9, 18, and 21 under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 1, 9, 18, and 21 under 35 U.S.C. § 112, second paragraph (Office Action at p. 3-5). In the interview, the Examiner indicated that the

rejection of claims 1, 9, and 18 was based on the language of dependent claim 21, which the Examiner alleges could be construed as broadening claims 1, 9, and 18. While Applicants respectfully disagree, amended claim 21 recites "a method of performing an industrial process according to one of claims 1, 9, or 18, further comprising using the output data to perform the industrial process." Applicants submit that claim 21 does not broaden any of claims 1, 9, or 18, and therefore claims 1, 9, and 18 are sufficiently definite to meet the requirements of 35 U.S.C. § 112. Therefore, Applicants respectfully request the Examiner to withdraw the rejection of claims 1, 9, 18, and 21 under 35 U.S.C. § 112, second paragraph.

C. The Rejection of Claims 22, 30, 38, and 47-51 under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 22, 30, 38, and 47-51 under 35 U.S.C. § 112, second paragraph (Office Action at p. 3-5). In the interview, the Examiner indicated that the rejection of claims 22, 30, and 38 was based on dependent claims 47-51, which the Examiner alleged could be construed as broadening claims 22, 30, and 38. While Applicants respectfully disagree, Applicants have canceled claims 47-51, without prejudice or disclaimer. Thus, the rejection of these claims is rendered moot. Therefore, Applicants respectfully request the Examiner to withdraw the rejection of claims 22, 30, and 38 under 35 U.S.C. § 112, second paragraph.

D. The Objection to Claims 2-8, 10-17, 19, 20, 23-29, 31-37, and 39-46

Claims 2-8, 10-17, 19, 20, 23-29, 31-37, and 39-46 were rejected solely due to their dependence from rejected base claims 1, 9, 18, 22, 30, and 38 (Office Action at p. 2). As discussed, claims 1, 9, 18, 22, 30, and 38 are allowable. Accordingly, Applicants

respectfully request the Examiner to withdraw the objection to claims 2-8, 10-17, 19, 20, 23-29, 31-37, and 39-46

E. New Claims 52-54

Although of different scope, new claims 52-54 recite similar subject matter to claims 1, 9, and 18, and are allowable for at least the reasons discussed above with respect to claims 1, 9, and 18. Applicants discussed the new claims with the Examiner and came to an agreement regarding these new claims in the interview (See Interview Summary, p. 2).

II. Conclusion


In view of the foregoing remarks, Applicants request the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 
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